BENEFITS

RIGHTS

AND

INFORMATION

Important Information

After you have filed your initial claim…

- Read this book and call the Claims Processing Center if you have any questions.
- If you filed your claim over the telephone, call the Interactive Voice Response System (IVR) to establish your Personal Identification Number (PIN) at 1-800-207-0667 or 444-9800 if you are in the Helena calling area. *Page 13*
- Sign, date and mail back the Work Search Classification and Claim Information form (UI-221) and any other forms you may have been instructed to return. *Page 3*
- Register for work with your local Workforce Services office (Job Service), if instructed to do so, by the date on the Work Search Classification form (UI-221). Register in person, by mail, or on the Internet, and keep your file active every 60 days. *Page 10*
- File your first bi-weekly claim (by calling IVR or on the internet when available) on the date instructed. *Pages 12-16*
- Reopen your existing Unemployment Insurance claim during the week you want benefits to begin. *Page 22*

The State of Montana
Department of Labor & Industry
is a proud member of America's Workforce Network

Unemployment Insurance Benefits Handbook

TO SPEAK TO A CUSTOMER SERVICE REPRESENTATIVE IN A CLAIMS PROCESSING CENTER:

Helena **Claims Processing Center** Phone# (406) 444-2545	**Billings** **Claims Processing Center** Phone# (406) 247-1000

Claims Processing Center hours are 8:00 am to 4:30 pm, Monday, Tuesday, Thursday, and Friday. Wednesday hours are 10:00 am to 4:30 pm. The Claims Processing Centers are closed on all state and federal holidays.

- To file for biweekly benefits on Interactive Voice Response (IVR):
  1-800-207-0667 (In Helena, call 444-9800 for IVR)

- To file for biweekly benefits on the Internet:
  www.UI4U.com (by Spring 2005)

- To mail documents to either Center, use this address:
  Unemployment Insurance Division
  PO Box 8020
  Helena MT 59604-8020

- To fax documents to a Customer Service Representative:
  (406) 444-2699

- TDD for hearing-impaired:
  (406) 4440532

Websites:

- To see general information about UI:
  http://uid.dli.state.mt.us

- To file an Unemployment Insurance claim on the Internet:
  www.UI4U.com

- To register for work with Job Service on-line:
  www.employMontana.com

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INTRODUCTION

This booklet informs you about your rights and responsibilities while filing a claim for unemployment insurance benefits. You are responsible for reading this booklet and knowing the information it contains. This booklet tells you how your claim is processed, and what you must do to receive benefits. It may not cover all situations. If you need more information or have questions, call the Claims Processing Center (see inside front cover for hours and phone numbers).

To qualify for benefits, you must be able to work, available for work, and looking for full-time work (40 hours per week). You must also meet certain conditions set by Montana law.

Unemployment insurance (UI) benefits provide temporary income to help workers who are unemployed because they have been laid off or had their hours reduced because of a lack of work, discharged for reasons other than misconduct, or left work with good cause attributable to their employment. Unemployment insurance is NOT welfare and is NOT based on need. Employers pay ALL costs of unemployment insurance. As a worker, you do NOT pay into the UI Trust Fund.

When you file a UI claim, if instructed by the Customer Service Representative (CSR) or through the website, you must register for work with the Workforce Services Center (Job Service) in your area (see p. 30). You need to stay in contact with Workforce Services every 60 days to keep your file active. Failure to keep your file active could result in a denial of benefits. Workforce Services staff can help you look for work and provide testing, counseling, job training programs, and job seeking skills. Call your local Job Service to ask about the different programs that may be available to you, or see their website at www.employmontana.com.

You are responsible to give correct, complete information when you file your claim. You must check your mail often to respond in a timely manner to any forms or questions sent to you. You are responsible for keeping us informed of your current address.

THE AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act of 1991 prohibits discrimination against a qualified individual with a disability. We will make accommodations to allow your participation in all programs, activities and services provided by the Unemployment Insurance program **at the request of an individual with a qualifying disability.** Call the Claims Processing Center to make your request known. A TTY line is available at (406) 444-0532. Montana Relay Service is available at 1-800-833-8503.

Frequently Asked Questions

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17. Can I get more money after my benefits run out? Pages 3, 27

18. Why did I get selected for an audit? Page 25

19. What is the Fraud Prevention program? Page 25

20. If I can't get through to the Claims Processing Center, what should I do?
The volume of calls into the centers varies and sometimes telephones will be busy. November through January are the busiest months, and Monday is the busiest day. By spring 2005, you will be able to file on-line at www.UI4U.com . If you don't have access to the Internet, keep trying to call the Claims Processing Center. When you do get through, advise the Customer Service Representative of the dates and times of your attempts to contact.

21. If I can't get through to the IVR system, what do I do?
Usually, you can wait an hour and try again, and be successful. Beginning in the spring of 2005, you may file via the Internet at www.UI4U.com, using your same PIN number. During business hours, contact a CSR in the Claims Processing Center for assistance.

22. Can I get my claim to start up for last week?
Your claim is effective on Sunday of the week you file or reopen your claim. If you feel that the effective date of your claim should be different, discuss this with a CSR at the Claims Processing Center.

23. Are unemployment insurance benefits taxable?
Yes, for Federal taxes, UI benefits are both reportable and taxable income. For State of Montana income tax, UI benefits are reportable but not taxable. If you live in another state and draw UI benefits from Montana, you should contact your state of residency for further information regarding tax law.

24. Where can I find up-to-date information about UI laws and rules?
You can access the UI Division home page on the Internet at
http://uid.dli.state.mt.us/uid/uihome.asp.

OPENING AN INITIAL UNEMPLOYMENT INSURANCE CLAIM

You can file for unemployment benefits if you are totally unemployed or if you are working less than 40 hours in a week. Your claim will start in the week you call the Claims Processing Center or file on the Internet.

You will need all of the following to file a claim for unemployment benefits:

1. Your social security number, and, if applicable, your alien registration number
2. Your current mailing address and telephone number
3. Complete address, phone number and dates of employment for all employers you have worked for in the last 18 months
4. The reason you left each employment in the last 18 months
5. If applicable, complete information about school schedule, pensions, and workers' compensation benefits

You will be asked to provide all of the information in the list above to the Customer Service Representative that takes your call, or you will be asked to enter this information on your computer if you are filing through the Internet.

If there are issues on your claim, you may be required to provide detailed information about these issues to the Customer Service Representative or enter this information into the Internet application form.

All postage and telephone calls from the claimant to the Claims Processing Center are the responsibility of the claimant. The enter will not accept any collect calls or envelopes with postage due. Make sure the address on your unemployment claim is current. The Post Office will not forward any mail from the Unemployment Insurance Division.

Your telephone calls to complete your biweekly filing to an Interactive Voice Response (IVR) system is a toll free number, 1-800-207-0667. **You cannot open a claim for unemployment benefits on the IVR system.**

You will receive information in the mail about your unemployment claim. **It is your responsibility to read, complete, sign and return any forms sent to you within the designated time limits.**

The effective date of your claim is the Sunday prior to the date you call the Claims Processing Center or complete your application on the Internet. An unemployment claim is in effect for one year from the effective date.

If you are found eligible to draw unemployment benefits, you have one year to use the benefits available. As soon as that amount is claimed and received, your benefits are "exhausted" or used up. You will have to wait for your claim year to end to file another claim. (1 year from the effective date of your prior claim)

You will receive a monetary determination explaining the amount of benefits you may be eligible to receive.

- Failure to provide correct information by the date requested may result in a denial or delay of benefits, or incorrect payment amounts.
- If you receive benefits due to incorrect information, you will be required to repay those benefits.
- Determinations (decisions) on all eligibility issues must be made to determine if benefits can be paid or not.
- You will receive a written determination for each issue telling you if you are eligible for benefits. You must be found eligible on **all** issues on your claim before any payments can be made.
- **Continue to file your biweekly claims for benefits while you are waiting for the determination on issues.**
- You can only be paid benefits for weeks that you are eligible and for which you file timely.

DETERMINING ELIGIBILITY FOR BENEFITS

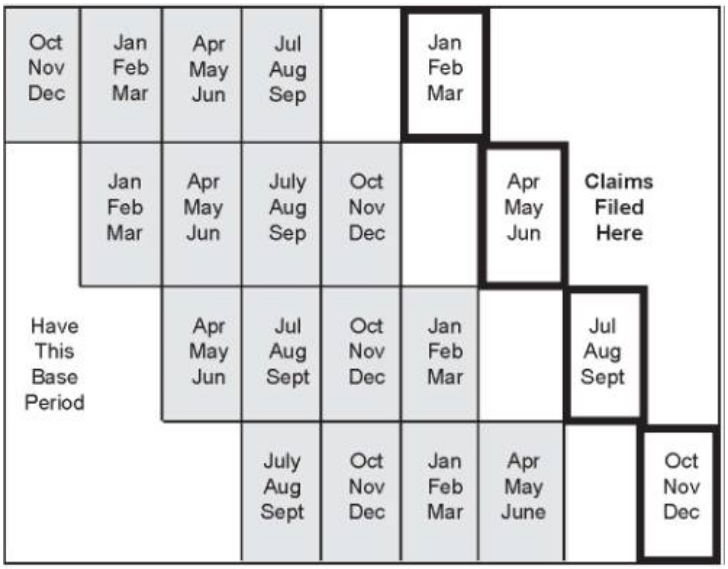
Once your initial claim has been filed, eligibility is determined in two ways:

1. Monetary Eligibility is based on the amount of money you earned during the BASE PERIOD of your claim, and
2. Non-Monetary Eligibility is based upon the reason you left any employment in the last 6 weeks or your last covered employment, along with other potential eligibility issues as described in this booklet.

Monetary eligibility is described here. An explanation of non-monetary eligibility begins on page 7.

MONETARY ELIGIBILITY

Base Period Wages – Monetary eligibility is based on how much you worked and earned during the base period. The base period is the first four of the last five completed calendar quarters at the time you file your initial claim for benefits. The following chart shows the base period used, depending on when you file your claim:



To qualify for benefits, your <u>total base period wages</u> must be:

EITHER: At least 1.5 times the wages you earned in the highest quarter of your base period and be equal to or greater than 7% of the average annual wage;

OR: Equal to or greater than 50% of the average annual wage in Montana. The average annual wage changes each July. For example, beginning in July 2004, the Montana average annual wage was $26,201.76.

You will receive your monetary eligibility information by mail on Form UI-209, "Monetary Determination."

<u>Monetary Determination (UI-209)</u>

The determination will tell you:

- The base period employers that have reported your wages to us;
- The wages reported by those employers for each quarter in the base period; and
- Whether or not you have earned enough wages to be eligible for benefits.
    - If you are monetarily eligible, it will show your weekly benefit amount (WBA) and the potential maximum amount you may receive.
    - If the monetary determination indicates your wages are pending, continue to file your biweekly claims. You will receive a revised monetary determination when the pending wages are added to your claim.

- If you are not eligible after the final determination, you may file a new claim on a new base period next quarter.
- If you have documented proof of additional earnings during the base period, contact the Claims Processing Center.

If you believe any information on your monetary determination is incorrect, contact the Claims Processing Center IMMEDIATELY.

Alternate Base Period

If you did not earn enough wages during your base period to be monetarily eligible, you may be able to use an alternate base period if you were off work because of an on-the-job injury. Generally, to qualify for an alternate base period you must meet the following requirements:

1. You had an on-the-job injury for which you received Workers' Compensation; AND
2. You received temporary total disability benefits during the regular base period; AND
3. The filing date of your claim is within 24 months of the date you were determined eligible to receive temporary total disability benefits from Workers' Compensation.

High/Low Monetary Determination (School Employment)

If you earned wages in the base period from an educational institution, you will receive a monetary determination listing both your HIGH and LOW monetary eligibility.

HIGH monetary determination is based on all wages earned in the base period.

LOW monetary determination is based on all wages in the base period excluding the earnings from educational institution(s).

If it is determined that you have 'reasonable assurance' of returning to work at an educational institution, you may receive benefits at the 'low' monetary benefit amount during school breaks and between terms.

Canceling Your Claim

To cancel your claim, call the Claims Processing Center. You will be sent a cancellation form that you must sign and return. Your claim can be canceled if you request it **within 10 days from the date you opened your initial claim.** After 10 days, you must provide a reason. If your reason is allowable under the law or administrative rule, your claim will be canceled. You will be notified in writing of the decision.

WEEKLY BENEFITS

Benefit Year

Your benefit year begins with the week you open your initial claim. A benefit year lasts 52 weeks. When one benefit year ends, you must open an entirely new claim. **It is your responsibility to know when your benefit year ends;** however, a letter will be sent to you at your last known address when your claim year ends. You have the 52 weeks in each benefit year to collect your maximum benefit amount (MBA). You can start and stop claiming benefits as many times as you want or need to during your benefit year. If you stop filing claims for two weeks in a row, for any reason, you must always reactivate/reopen your claim by calling the Claims Processing Center or by going on-line at www.UI4U.com during the week you wish to start claiming benefits again. You cannot reopen your claim by calling the IVR system. Any wages you earn during your benefit year will not increase or decrease your maximum benefit amount for that benefit year. Report any earnings in the week you earn them when you file your biweekly claim. Those earnings could affect the amount of benefits you receive for that week, but do not affect your maximum.

The Maximum Benefit Amount (MBA)

Your MBA is the total amount of unemployment insurance benefits you can potentially receive in a benefit year. It is determined by formulas defined in state law. These formulas take into account the amount of wages reported in your base period. The calculations result in a weekly benefits amount (WBA) and a number of weeks for which benefits can be paid. The WBA times the number of weeks equals the MBA.

Use your MBA as you would a checking account balance. As you receive biweekly benefits, simply subtract the amount you are paid from your MBA balance to know how much you can still receive for that benefit year. In doing this, you need to also subtract any amounts being withheld from your benefits, such as child support, federal income tax withholding, or amounts to pay back overpaid benefits. Any balance remaining at the end of the benefit year remains in the Unemployment Insurance Trust Fund. Once you have withdrawn all the money in your account, you must wait until your claim year is over before you can file again.

Waiting Week

Every new claim begins with a "waiting week". A waiting week is the **first eligible week you claim.** Although you will not be paid for this week, you must meet all eligibility requirements and indicate "yes" you want to claim for that week and answer all of the claim questions to receive credit for the waiting week. You serve one waiting week for each new benefit year. If you reopen your claim during the benefit year you will not have another waiting week.

NON-MONETARY ELIGIBILITY

You may have earned enough wages during your base period to monetarily qualify, but the reason you left your last job, or any other job in the last six weeks, established whether or not you can receive UI benefits. The statement you provide might result in an "eligibility issue" (an act or circumstance that is potentially disqualifying). Your

employer(s) will receive a copy of your statement(s) about your separation from their employment. If the employer has different or additional information, we will contact you and give you an opportunity to respond. A claims examiner will then rule according to Montana law on your eligibility for UI benefits.

A written "Notice of Determination" will be sent to you for each eligibility issue on your claim. The notice tells you if you have been ruled eligible to receive benefits or not. If there is more than one issue on your claim and you are denied benefits on any one of them, you will not receive benefits for the period covered by the determination.

Some of the common reasons for being disqualified or ineligible are:

- You quit your job without good case attributable to your employment
- You were fired for misconduct connected with or affecting your job

There are two ways to overcome the above disqualifications. You can earn further wages in another job (called 'requalifying wages'), or you can request a redetermination or appeal the decision. The "Notice of Determination" explains the amount of requalifying wages needed and the appeal process and timelines.

Other disqualifications in Montana law include:

- You were discharged for an act of gross misconduct (a criminal act or act that shows extreme disregard of the employer's interest, such as theft). If it is determined you were discharged for gross misconduct, you will be disqualified to receive benefits for 52 weeks.
- You have restricted availability for work, require an unrealistic wage, or are not looking for a job
- You do not have transportation or child care
- You are not medically able to look for or accept work
- You receive a disqualifying pension or disability payments
- You are a professional athlete
- You are an illegal alien

Other reasons you may be ineligible:

- You don't register for work with the local Job Service when required
- You don't report to the Job Service office when asked
- You receive Workers Compensation or Social Security Disability benefits
- You don't respond to a request for information from us within the timeline given
- You refuse a suitable job, an interview, or referral to suitable work
- You are involved in a strike or labor dispute
- You are a school employee who will be returning to work for a school after a scheduled break or summer vacation.
- You are self-employed
- You are attending school

<u>The above lists are examples but do not include all reasons.</u>

All determinations have three levels of appeal rights.

1. **Redetermination**

   When a decision is made on your eligibility, you or your employer may request a "redetermination" if you think the decision is contrary to the law or the facts, or if you or the employer has new information that might affect the decision. You or your employer have **10 calendar days** from the date of the Notice of Determination to make your request for redetermination.

   - Contact the Claims Processing Center within 10 calendar days of the date of the original determination. You may call, mail, or fax your redetermination request.
   - If you call, a Customer Service Representative (CSR) will take your statement over the phone.
   - Continue to file your biweekly claim for benefits (calling IVR or filing over the Internet when available) if you ask for a redetermination.

2. **Appeal**

   - You or your employer can appeal the redetermination if either of you think it is contrary to the law or facts, or if either has new information that might affect the decision.
   - Contact the Claims Processing Center within 10 calendar days of the date of the redetermination letter. You may call, mail, or fax your appeal request.
   - A telephone hearing will be scheduled and all interested parties (yourself, and your former employer if involved) will be notified. Copies of all paperwork pertaining to the eligibility issue being appealed will be sent to you (and your employer, if involved).
   - The Hearings Bureau will provide you with a description of the process. For questions about your hearing, call them at (406) 444-4662. Their fax number is (406) 444-2689.
   - You may request an in-person hearing.
   - Any additional documents you want introduced at the hearing must be sent to the Hearings Bureau ahead of time, so both parties have copies of all documents
   - Be ready for the hearing on time with all documents in front of you
   - Continue to file your biweekly claim for benefits if you file an appeal

3. **Appeal to the Board of Labor Appeals**

   - If you are still denied benefits, you may file an appeal with the Board of Labor Appeals (BOLA). Your former employer has this right also.
   - Contact the Claims Processing Center within 10 calendar days of the appeal decision. The process is the same as the appeal above. Continue to file your biweekly claim.

Any further action after a BOLA is through District Court.

If you received benefits, and are later found ineligible to receive those benefits through the redetermination or appeal process, you will be responsible for repaying them.

If you are ruled eligible on redetermination or appeal, you can only be paid benefits for past weeks that you file on time.

If you are disqualified and you do not understand the letter or requalifying conditions, or if you have already satisfied the requalifying conditions, contact the Claims Processing Center.

WEEKLY ELIGIBLITY REQUIREMENTS

If you have met the eligibility requirements (page 4) for opening or establishing your claim, you must still meet eligibility requirements of each week you claim benefits. You must be able to work, available for work, and actively looking for full-time work (40 hours per week) each week you claim benefits. Failure to do so may result in a denial of benefits for that week. You must register for work with your local Workforce Services office (Job Service) in person, by mail, or on-line at www.employMontana.com by the end of the week after the week you filed or reopened your claim (unless you are job attached or union attached).

Able to Work: When you open or reopen a claim for benefits, if you have a medical reason that prevents you from accepting a job, you need to tell the CSR who takes your claim.

Available for Work: To be available for work, you must:

- Be willing to accept the standard wage in your area for your usual occupation;
- Be willing to work all hours and days normally required for your occupation or in the type of work you are looking for;
- Be willing to accept any suitable job for which you are qualified;
- Have a way to get to work;
- Have child care available, if required;
- Report to your local Job Service office when asked;
- Be willing to take part-time work. However, you must continue to look for full-time work.

Actively Looking For Full-Time Work: You MUST follow the work search agreement (Work Search Classification and Claim Information form UI221) which was sent to you at the time you filed your claim or your work search classification was changed. It is your responsibility to keep a written record of all the employers you contact. These contacts must be with persons who have hiring authority. Pages 33-34 in this booklet are for recording your employer contacts.

NOTE: Keep the written record of your work search contacts made while you are filing for benefits for **three years** after you receive the benefits, in case you are selected for an audit. You may be asked to show your records to a representative of the Unemployment Insurance Program. If you are unable to show this record you will have to repay the benefits you received.

If you are an active union member in good standing with a hiring hall, or job-attached (returning to your previous job full-time or have the guarantee of a new full-time job) the above search requirements may not apply to you. Please check with a CSR at the Claims Processing Center if you have any questions about your requirements or status.

Accepting Job Offers

You must accept referral for suitable work, and any offer of a suitable job, to remain eligible. You are not required to accept a job offer that is not suitable for you. However, report to the Claims Processing Center all job offers and job referrals that you refuse or disregard.

Work may be considered unsuitable if:

- The work is a risk to your health, safety morals;
- You are not physically able to perform the work;
- You don't have the proper training or experience to perform the work;
- The wages are substantially less than your previous earnings (after 13 weeks of unemployment, you must be willing to accept 75% of your previous wage);
- The work is not within a reasonable distance from your home;
- The wages, hours and other working conditions are not comparable to those for similar work in the area;
- The job is vacant because of a strike, lockout or other labor dispute;
- You are required, as a condition of employment, to refrain from joining any bona fide labor organization.

BIWEEKLY FILING TO CLAIM BENEFITS

PERSONAL IDENTIFICATION NUMBER (PIN)

After you have opened your initial claim, you need to establish a PIN number by calling the IVR system or using the UI website www.UI4U.com. The combination of your PIN, your social security number, and your mother's maiden name protects your claim information from others.

You will be asked to select 4 numbers. You may use any combination except 4 zeros (0000). After your PIN is established, you will use it each time you call the IVR system or use the UI website. If you forget your PIN or feel someone else may know your PIN, contact the Claims Processing Center or go to the UI website to change your PIN.

Tip: Establish your PIN right away after opening your UI claim to avoid potential problems. If you are filing your claim on the Internet you will establish your PIN at the time you file your claim.

FILING YOUR BIWEEKLY CLAIM INFORMATION

Montana pays benefits biweekly. This means you file two weeks at a time, just like submitting a time card for a paycheck every two weeks. Each benefit week begins on Sunday and ends at midnight the following Saturday. To file for both weeks of your biweekly claim, you must call IVR (by mid-2005, you will be able to go to the UI website at htt://www.UI4U.com) after the end of the second week. It is your responsibility to file your biweekly claim within seven calendar days after the end of the second week of the two-week period. **You may be disqualified for those weeks claimed that are filed late.**

If you do not have access to a telephone to use IVR, you may ask your local Workforce Services office (Job Service) for telephone use for filing your biweekly claim. See p. 30-31 for Workforce Center locations.

EXAMPLE								
	Su	*M*	*T*	*W*	*Th*	*F*	*Sa*	*Instruction*
Week #1								Keep track of your hours if any.
Week #2								Keep track of your hours if any.
Week #3								File for weeks #1 & #2 and day this week
Week #4								
Week #5								File for weeks #3 & #4 and day this week

It is illegal to allow any else to file your biweekly claims. You are solely responsible for all claims filed with your social security number. It is **FRAUD** if you have someone else use your SSN and PIN.

Remember, you must continue to meet the weekly eligibility requirements and continue to respond to requests for information in a timely manner from the Unemployment Insurance Division.

HOW TO FILE THE BIWEEKLY CLAIM ON IVR

Interactive Voice Response, or IVR, is an automated telephone filing system. It is accessed using a toll-free "800" number or is a local call for Helena calling area residents.

Submit Your Biweekly Claim
For Benefits by Telephone Using the
Interactive Voice Response (IVR) System
1-800-207-0667
Helena local calling area residents
call 444-9800

Your answers to the questions certify that you have met the eligibility requirements for each week. You must continue to file your biweekly claim information on time for each two-week period of benefits you wish to claim.

If the IVR system tells you that your claim is closed, it will not let you file the biweekly claim. You will need to reopen your claim by calling the Claims Processing Center (see page 24) or by selecting "Reactivate Your Claim" on the UI website at www.UI4U.com.

In addition to filing your biweekly claim, IVR and the UI website offer other options:

- Inquire about your benefit check (see page 20)
- Inquire about IRS Form 1099-G (see page 23)
- Inquire about the date of an appeal or hearing (see page 9)
- Find out how much earnings you need for requalifying wages (see page 8)

For other questions or to file an initial claim for unemployment insurance, call the Claims Processing Center (see inside front cover for numbers and hours) or go to the UI website.

How IVR is different from the Claims Processing Center

The Claims Processing Center is staffed by trained Customer Service Representatives who assist you with most aspects of your clam. The CSR can help you open a claim for benefits or answer questions you have about your claim. Call the Claims Processing Center if you have problems entering your biweekly information on the IVR system or over the Internet.

Types of Phones
Your touch-tone phone needs to be set on "tone," NOT "pulse". There us usually a button on the phone handset or base for this.
Be aware that if you use a cellular, mobile, or cordless phone that your call may be interrupted or not accepted if you are in a remote area or you are not close to the base of your handset. If you have problems, try a regular phone with a cord.

System Availability
The IVR system is available approximately 18 hours a day, seven days a week. The system is not available from about 6 pm to 7 pm and 1:30 am to 5:30 am, Monday through Friday. System maintenance shuts down the IVR occasionally on Sunday mornings. If you get the "System Not Available" message, please wait and try again later.

System Updates
The information you enter into IVR is stored, then updated into our computer Monday through Friday at 6 pm. **Calls received after 6 pm on Friday will be processed when the system updates on Monday night.** If Monday is a state holiday, the update will occur Tuesday evening. If you call on any state holiday, your call won't be processed until the end of the following business day.

Your call to IVR
After you have established your claim and a PIN, each time you call IVR you will be asked to enter your social security number and PIN to confirm your identity. Then you will choose an option:

Option 1	File your biweekly claimant
Option 2	Check inquiry
and so on…	

Option 1-Filing Your BiWeekly Claim
You must submit your biweekly claim information after midnight of the Saturday of your second week, and before the next Saturday at midnight.

The system will first identify the weeks for which you can submit information and ask if you wish to claim benefits for both weeks. It will then ask you a series of questions for each week, one week at a time. The IVR system will ask you all the questions for the first week, and then it will repeat the same questions for the second week. <u>REMEMBER, the questions pertain only to the week identified by the system.</u>

FOR QUESTIONS 1-7,

- **PRESS THE NUMBER "1" FOR "YES" or**
- **PRESS THE NUMBER "2" FOR "NO"**

If you wish to have a question repeated, press the star (*) key.

HOW TO FILE THE BIWEEKLY CLAIM ON THE INTERNET

By the spring of 2005, you will be able to file biweekly claims by following these steps:
Go to www.UI4U.com
Input your social security number, date of birth, and PIN.
Select "File Biweekly Request for Payment".
Answer the questions on the next two pages.
Click on "File Your Continued Claim".
Print and keep the page with your confirmation number.

WEEKLY CLAIM QUESTIONS

Whether you file on IVR or Internet, the questions are the same.

1. **"Do you wish to file for week ending…"** The date will always be a Saturday, and always refers to one calendar week.
"YES," indicates you want to receive benefits for the week identified or to receive credit for a waiting week.
"NO" tells the system that you do not want to receive benefits for that week. IVR will not ask the remaining questions for that week, and you need not mark the Internet form for questions 2-7. If you answer "NO" for two weeks in a row, your claim closes. To reopen your claim, you must contact the Claims Processing Center or reactivate on-line during the week you wish to start claiming benefits.

2. **"Did you look for work?"**
"YES," indicates you made your required work search contacts this week. If you are uncertain of your requirements, refer to your Work Search form UI221 or contact the Claims Processing Center.
"NO" indicates you did not look for a job this week or you are union or job attached according to your Work Search form UI221, completed when you opened your claim.

3. "**Were you physically able and available to work?"**
"YES" means you comply with the guidelines on page 11, "Availability to Work".
"NO" indicates you were not able to work or available for work. Contact the Claims Processing Center when you finish filing your biweekly certification to provide information regarding why you were not able to work or available for work.

4. **"Did you receive Workers Compensation or other disability benefits?"**
"YES," indicates you received these benefits during this calendar week. Contact the Claims Processing Center after you finish filing to provide information regarding your Workers Compensation or disability benefits you received.

5. **"Did you quit a job, get fired, refuse work, or take time off from work?"**

(such as vacation or sick leave)
"YES" means that during the week claimed, you (1) quit or were fired from a job **OR** (2) you refused available work, a job offer or job referral, **OR** (3) you were working and took time off for any reason other than reduction in hours by the employer. Contact the Claims Processing Center after you finish filing to provide information regarding the reason you indicated, "Yes" on this question.

6. **"Are you attending school or are you in training?"**
"YES" Contact the Claims Processing Center to provide information regarding your school attendance or training unless you have already provided this information. This question does not include paid training by your employer. If you attend training as part of your job and your employer pays you for this time, report it as hours worked and report the earnings in question #7.

7. **"Did you work OR have a paid holiday OR receive bonus pay?"**
"YES" means either you worked, or were paid for a holiday that occurred during that week, or you received bonus pay that week. If you answer "Yes" you will be asked two additional questions:

7a. **"Please enter total hours worked and hours of paid time off from work."**
Conclude by pressing the pound (#) key. Hours cannot exceed 99. Include holiday and vacation hours. Enter full hours only – round down partial hours. Example: 20 ½ hours = 20.

7b. **"Please combine and report total gross amount of earnings and bonus pay before any taxes or other deductions are withheld, even if you have not yet been paid."**
Conclude by pressing the pound (#) key.
Combine and report gross amount of earnings, vacation, holiday, and bonus pay for the week you are claiming, Sunday through Saturday.

- When calculating gross earnings, use the total hours <u>and</u> parts of hours worked. Example: 20 ½ hours x $7 per hour = $143.50
- Report whole dollar amounts, not cents. Always round down. Example: $143.50 is reported as $143

The IVR system will repeat your answers. Listen carefully to assure correct processing of your claim. Then the IVR system will say:
"If all responses are correct, press "1". If not, press "2".

Pressing "2" will cause the system to ask all the questions for that week again. Pressing "1" will move you to the second week. After you have confirmed your answers for the second week, the IVR system will say, "Transaction accepted, thank you and good-bye," and then disconnect. **<u>At the end of the call, it is important to wait until the IVR says "Thank you and good-bye," before you hang up. It is possible there will be a short wait at the end of the call before you hear this. Do not hang up until you hear "Thank you and good-bye," or your call will not be recorded.</u>** After IVR disconnects, your answers are transmitted to the Unemployment Insurance computer. The weeks filed will be processed on the next workday after the nightly batch update.

Your claim will close if **any** of these or any combination of these happen (i.e., worked 40 hours one week and didn't file for the next week) **two weeks in a row:**

- You work 40 hours or more
- You earn two time your weekly benefit amount (or more)
- You didn't file your biweekly claim
- You answer, "No" to question #1, "Do you wish to file for week ending…"

To reopen your claim, see page 22.

HINTS AND TIPS

- Claims filed after 6 pm Friday will not be processed until Monday evening. Sunday calls update at the same time as Monday calls, after 6 pm on Monday.
- You may not file your claims for benefits on a weekly basis. Call to submit your information after each TWO WEEK filing period. Mark a calendar with your dates to call if you have trouble remembering when you should file.
- If you realize you made an error, and the update has not occurred, you can call the IVR system and resubmit the information. The last entry made by you before the update process is saved. If the system update has occurred, you must contact the Claims Processing Center for correction of the error.

REPORTING VARIOUS PAYMENTS

The following describes the earnings that must be reported on your biweekly claim for benefits.

Earnings Include wages before deductions (gross pay), plus earning from sick pay, tips, commissions, the value of room and board, bonuses, vacation pay, separation pay, and/or holiday pay. **Report wages the week you earned them, not the week you are paid (even if you haven't been paid yet).**
NOTE: The IVR system (and the Internet application when available) does not allow you to enter earnings without hours and vice versa. For instance, if you receive holiday or vacation pay, the system requires you to report at least one hour worked.
Holiday Pay Report holiday pay and the number of hours paid in the week the holiday occurred, even if you receive the holiday pay in a later week.
Vacation/Sick Pay Report these payments in the week that you were off work, regardless of when you got paid for the time you were off from work. You must also contact the Claims Processing Center to give information about the dates you were off work.

• Contact the Claims Processing Center for instructions on how to report lump sum payments received for accrued vacation/sick leave when no time off from work occurs.
Commissions Any pay received from commissions must be reported during the week they are paid. *If you receive pay in a week where you did not work you must still enter 1 hour worked when filing on the IVR system or it will not accept your claim.*

HOURS WORKED: If you are paid by commission you must report any hours worked during the week you are claiming even if you did not receive pay during that week. *If you were not paid during a week you reported hours worked you must still enter $1 in earnings or the IVR system will not accept your claim. Reporting $1 in earnings will not affect the amount of your check.*

If you are unsure on how to report commissions, call the Claims Processing Center.

Tips Report all tips as wages during the week earned. Keep a log of your tips; you may be required to produce this information.

Separation/Severance Pay Report during the week the separation occurred. Contact the Claims Processing Center if you need assistance.

Bonus Pay/Stock Payments (Received in lieu of wages) Contact the Claims Processing Center for assistance.

Room and/or Board You must actual value of room and/or board you receive as earnings for the week. The Unemployment Insurance Division uses the following minimum amounts for room and board when figuring earnings:

Weekly room and board…….$130.00
Room, per week……$70.00
Weekly meals……$60.00
Each Meal…….. $3.00

NON-REPORTABLE EARNINGS

Under certain conditions, workers in the categories listed below may not be required to report their earning and number of hours worked when filing their biweekly continued claims. If you are a worker in one of these categories, please contact the Claims Processing Center to determine whether or not you need to report your hours and earnings.

- National Guard or Reserves
- Domestic and household workers
- Spouses or dependents of sole proprietors
- Freelance correspondents and newspaper carriers
- Real estate brokers and real estate salespersons
- Cosmetologists and barbers
- Casual laborers who earn less than $50.00 and work less than 24 days in a calendar
- Sole proprietors and working members of partnerships and limited liability companies
- Floor covering installers
- Direct sellers
- Petroleum land professional
- Church ministers and members of religious orders
- Clients of rehabilitation facilities
- Participants in work-relief and work-training programs
- Inmates of state correctional and custodial institutions

- Court ordered community service workers
- Elected public officials
- Workers employed by small agricultural operations
- Workers employed by agencies of government of states others than Montana
- Workers covered under federal unemployment insurance programs; e.g., Railroad Unemployment Insurance Act
- Students and their spouses employed by a college or university
- Students in work-experience programs
- Officers or members of a crew of a vessel on U.S. navigable waters
- Legally admitted alien agricultural workers
- Independent contractors certified as such by the Department of Labor and Industry
- Amateur athletic officials

PARTIAL BENEFITS: WORKING PART-TIME

You may be eligible for partial benefits if you work less than 40 hours a week and you meet the following requirements:

- Your earnings for a week are less than two time your weekly benefit amount

and

- You are still looking for full-time work each week.

Your weekly benefit amount will not reduced if you earn less than ¼ of your weekly benefit amount. You must still report all earning when you file your biweekly claim. For example, if your weekly benefit amount is $106, and you earn $26.50 or less in a week, your benefit amount will be $106 for that week. If you earn more than ¼ of your weekly benefit amount in any week, your WBA will be reduced by $.50 for each dollar earned (over ¼ of your weekly benefit amount). For example, if your WBA is $106, and your earn $150.80 in a week, your benefit amount for that week will be $44. Earnings are rounded down to the next lower full dollar amount. Here is the calculation:

HOW TO FIGURE PARTIAL BENEFITS						
A	B	C	D	E		
Regular Benefit Amount	Weeks Gross Earnings	Divide Column A by 4	Column B Minus Column C	Divide Column D By 2	Column A Minus Column E	= This Week's Benefit Amount
$106.00	$150.80	$106/4 =$26.50	$150.00 – 26.00 $124.00	$124/2 = $62.00	$106.00 - 62.00 $44.00	= $44.00

If you are back at work full-time, just stop filing biweekly claims, and your claim closes.

To report hours and earnings, answer question 7 "YES" (see "Weekly Claim Questions", p. 16). The IVR (or Internet system when available) will ask you for hours and earnings. Report the number of hours worked and your gross earnings (as earned, not paid). Our system will calculate your partial benefits automatically.
Receiving partial benefits works like a checking account – you have a maximum benefit amount (MBA) you can receive. You can withdraw or claim the money in various amounts not to exceed your weekly benefit amount (WBA) over the one-year time period of your claim. You must continue to follow the eligibility rules from week to week to receive benefits.

If you fail to report your hours and earnings correctly you may be performing an act of fraud and subject to prosecution for theft. The Department of Labor receives employer wage and new hire information on a regular basis. We crosscheck employer information against our claimant information. We identify claimants who have been hired by an employer and are still receiving benefits. We also identify claimants who misreported their hours and earnings based upon employer wage information. These crossmatches are two of the many matches we perform to ensure program integrity.
Call the Claims Processing Center if you need help in reporting hours and earnings correctly, or have questions about partial benefits. It is very important that you comply with reporting requirements. See p. 25 for Fraud information.

ABOUT THE UI BENEFIT CHECK
Receiving Your Check

If there are no problems with your claim, you can expect your check about three to five days after your file your biweekly claim for benefits. If you have not received your check 10 DAYS AFTER filing, call the Claims Processing Center or check on the UI website, www.UI4U.com. Benefit checks are not sent if the claim has one or more unresolved eligibility "issues" (acts or circumstances that are potentially disqualifying). See pages 4 through 9 for further information on eligibility. **If there is an unresolved issue on your claim you will receive a notice for each week you file, stating the reason you were not paid. It is important for you to continue to make your biweekly filings any time an issue determination is pending on your claim**. **If you are found eligible on issues, you will only receive benefits or credit for a waiting week for weeks you have filed timely.** You will not be paid benefits for the first eligible week you claim. This is a waiting period required by state law, and is referred to as the "waiting week" (see page 7). Remember, you must answer, "YES" to question #1 on your biweekly claim, that you wish to claim for the week, before it can be counted as the waiting week.

Inquiring About Your Check
You may use the IVR system for check inquiry—call 1-800-207-0667 (444-9800 in the Helena calling area). Once you have identified your claim with your social security number and PIN, select the Check Inquiry option. You will be told whether or not you were eligible to receive a check for the specified time period, and if so, when your check

was mailed and the remaining monetary balance on your claim. If there is a problem with your claim that prevents a check from being issued, the IVR system will tell you that no check has been issued. You may use the UI website for check inquiry—go to **www.UI4U.com**. Once you have identified your claim with your social security number, date of birth and PIN, select 'Review Your Claim'. In the right-hand column under Monetary you will be able to view the Remaining Balance Available on your claim. Under Payment Information you will be able to check the status for the Benefit Week Ending Date and the amount issued for each week. Under View Check Information you will be able to view the date the check was mailed, the check status and the check amount. If there is a problem with your claim that prevents a check from being issued, the IVR system will tell you that no check has been issued.

Remember that after you file your biweekly claim, you must wait until **after the system updates** to inquire about your check. See system updates on page 14. If you have any other questions about your check, call the Claims Processing Center.

Lost or Stolen Checks
If you lose your unemployment check or if it is stolen, call the Claims Processing Center immediately. The check must be missing for 14 calendar days (30 days for interstate claims) before we will reissue. You will need t complete a form, have it notarized, and return the form to us before a duplicate check can be issued.

Claim Certification
When you endorse and cash a UI benefits check, your signature certifies that the information you have given the Department is true. It also confirms that you understand the penalties for giving false information to get unemployment benefits.

POSSIBLE DEDUCTIONS

If the amount of your benefit check is less than your weekly benefit amount, the following are possible deductions from your WBA and are listed on your check stub when they occur:

Federal Income Tax Withheld
Unemployment insurance benefits are fully taxable by the federal government if you are required to file a tax return. You may choose to have federal tax withheld when benefits are paid. You make the choice when you file your initial claim, or at any time during your claim. If you choose to have taxes withheld from your benefits, we will send you a Form W-4V to complete and return to us.

You may change your withholding status during your claim by completing a new Form W-4V. Federal income tax is withheld at a rate of 10% and sent to the Internal Revenue Service (IRS). If you have to repay benefits to us because of an overpayment, **you are responsible for repaying the entire amount, including any taxes that were sent to the IRS.** You will recover the withholding tax amount from IRS when you file your federal tax return.

We will send you an IRS Form 1099-G at the end of January, which shows the amount of unemployment benefits paid to you and any taxes withheld in the previous calendar year. The IRS will receive the same information. If you have not received your 1099-G by February 1, you may call the Claims Processing Center, call IVR, or go to the UI website at www.UI4U.com to obtain your 1090-G information. **We send the 1099-G to the most recent address we have in our system. If you move, please notify the Claims Processing Center of your new address.** If you had an overpayment of benefits that you are repaying, see page 24.

Child Support Deduction

If Unemployment Insurance receives a "withhold" order from a child support enforcement agency, money must be withheld from your benefits to satisfy the obligation. The funds are sent to the child support enforcement agency for distribution. If you disagree with the amount or feel the order is incorrect in any way, contact the child support agency directly at 1-800-346-5437. Only the child support agency can change or stop the deduction. If you have to repay benefits to us because of an overpayment, and child support was withheld, you are responsible for repaying the entire amount of benefits to the Unemployment Insurance program, including any amount sent to the child support enforcement agency.

Benefit Offset

When a benefit overpayment has occurred (see page 24), one way to repay the amount is to have it deducted from future benefits. When this occurs, you make arrangements with us concerning the overpayment and the repayment options. On rare occasions, we will offset benefits on behalf of another state. In cases where fraud exists, the penalty assessed and interest cannot be deducted from your benefits and must be paid back directly by you.

Other Deductions

If you have a deduction that you do not understand, call the Claims Processing Center for an explanation.

REOPENING A CLOSED CLAIM

Any of the following reasons will close your claim:

- You worked 40 hours or more for two weeks in a row; or
- You earned twice your weekly benefit amount or more, two weeks in a row; or
- You didn't file your biweekly claim for a two-week period; or
- You answered "NO" to claim question #1, "Do you wish to file for week ending…" for two weeks in a row; or
- Any combination of the above for two weeks in a row, even if the answers are on two separate calls to IVR.

It is your responsibility to file your biweekly claim for benefits according to the schedule that is begun each time you open or reopen your claim. If you don't follow the schedule, your benefits may be delayed or denied, and/or your claim closed.

How to Reopen the Claim

- Contact the Claims Processing Center (see inside front cover for phone numbers). *You cannot reopen a claim on the IVR system.*

OR

- Use the "Reactivate Your Claim" option on our Internet site, www.UI4U.com.

You must reopen your claim during the week you want to start receiving benefits.

CHANGES IN CIRCUMSTANCES

You must report any changes immediately to the Claims Processing Center. Below is a partial list of changes that could occur.

Change in Address If you change your address at any time while claiming benefits:

- Report changes by calling the Claims Processing Center, or go to the UI website, www.UI4U.com and select 'Change Personal Information'. Filing a forwarding address with the Postal Service is not sufficient; your unemployment insurance checks or other claim information will not be forwarded by the Postal Service; **and**
- Register for work with the Workforce Service office nearest your new address.

Change in Personal Circumstances

- Your union-attached or job-attached status changes
- Your hours or curriculum for approved schooling changes
- You begin or stop attending school or training
- You quit or are fired from a job
- You are ill, injured, or unable to work
- You sign a contract to work for an educational institution

You Received or Will Receive Other Payments, or the Amount You Receive Changes

- You received or will receive severance pay or termination allowance
- You received or will receive back pay or picket-duty pay
- You received or will receive vacation or sick pay from a previous employer
- You received or will receive a bonus
- You applied for or are receiving pension or retirement payments, or you have a change in the amount of pension or retirement you receive
- You applied for or are receiving Workers' Compensation or other disability payment including Social Security Disability (SSDI)

You Weren't Able to Work, Available for Work, or Seeking Full-Time Work

- You weren't looking for work
- You don't have transportation to get to work
- You are attempting to start a business or other self-employment
- You are attending school
- You are ill, injured, or unable to work
- You have a physical disability that may affect the type or amount of work you can perform
- You have dependents who need your care
- You refuse an offer of work or a referral to a job
- You took sick or vacation leave or leave without pay for sick or vacation days.

OVERPAYMENTS OF BENEFITS

An overpayment occurs when benefits are paid to a claimant who is later determined not eligible for the benefits paid. If you are overpaid benefits, the Unemployment Insurance (UI) Program will notify you. There are many reasons for overpayments. It is possible for you to be ineligible for one or more weeks you were paid if:

- You did not report all of the money you earned for a week you received benefits,
- You were not able to work or available for work for the week paid,
- You were not actively seeking full-time work in the week paid,
- A redetermination or appeal reverses your eligibility,
- Your base period wages were changed and your weekly benefit amount is now less,
- You did not report a separation from employment,
- You opted to cancel or withdraw your Montana claim to file with another state, and had already received benefits on the Montana claim,
- You received a pension, vacation pay, other pay (Workers' Compensation, SSD, etc.) or a back pay award that reduced your weekly benefit amount or made you ineligible to receive UI benefits.

If you are overpaid benefits, you will be required to repay them. You can repay the overpaid benefits to the UI Program, or if you have an open claim or will soon open one, the overpaid benefits can be deducted from your benefit payments. Contact the Claims Processing Center for more information.

If you received an overpayment notice, see IRS Publication 525, Taxable and Nontaxable Income, or the instructions for Form 1040, or contact the IRS at 1-800-424-1040 for questions about withheld federal taxes. If you repay any benefits, keep a record of the amounts you repay and the dates mailed. If the amount on the IRS form 1099-G does not agree with your records, contact the Claims Processing Center for assistance.

QUALITY CONTROL AND FRAUD

Benefits Accuracy Measurement

A Quality Control Program

This program randomly selects people who have filed for benefits and does a complete audit on their claim. If you are selected, you will be required to verify any wages you have earned and work search contacts you have made. It is important that you keep written records of any work you have performed and all of the employers you have contacted for work, and dates of the contacts. If selected, you will be required to complete an Unemployment Insurance Questionnaire and sign an Authorization to Release Information Statement. If you fail to respond to information requests in a timely manner, or if you refuse to cooperate, you will be denied benefits.

If you are selected for an audit, it does not mean we suspect you have done something wrong. The federal government requires the Unemployment Insurance Division to perform this function to help locate, correct, and reduce errors in the Montana UI system. The results are used to improve our program.

FRAUD

Failure to report or falsely reporting information that affects your eligibility for unemployment benefits may be an act of fraud. If you withhold information or lie to obtain or increase your benefits

- You must repay any benefits you received as a result of failing to report the facts or lying;
- You must pay a penalty of up to 100% of the amount you fraudulently claimed;
- You may be disqualified for up to 52 eligible weeks;
- You may be tried in a criminal court ($1000 or more is considered "felony theft") and if you are found guilty of a felony,
    - You can be fined up to $50,000 or
    - Imprisoned for up to 10 years
    - Or both fined **and** imprisoned.

WORKER PROFILING AND REEMPLOYMENT SERVICES PROGRAM

Worker Profiling identifies people who are likely to exhaust their regular UI claim and may benefit from reemployment services. The Workforce Services (Job Service) Center is the primary provider of reemployment services. This program begins with an orientation to explain the various services offered. The staff will work with you to establish a reemployment plan that meets your individual needs.

Worker Profiling is required by the federal government. If you are selected for this program, you will be notified by mail. Failure to participate may result in a denial or delay of unemployment insurance benefits. If you are notified of a profiling appointment and have already returned to work, contact the Workforce Services office to waive the appointment. Your appointment letter has the phone number to contact.

TYPES OF CLAIMS

There are several types of unemployment insurance claims. The staff at the Claims Processing Center will assist you in determining the type of claim for you to file.

"Regular" Montana unemployment insurance claim

You will file this if all of your wages used to determine your monetary eligibility for benefits were earned in Montana. See page 5 for an explanation of monetary eligibility.

Interstate claim

A claim that is being paid by Montana because all of your base period wages were earned in Montana, even though you live in another state. If you file in Montana and then move out of state, or if you move out of state and then want to file for benefits based upon your Montana employment, contact the Claims Processing Center (see inside front cover for phone numbers).

OR

A claim that is being paid by another state because all of your base period wages were earned in other states, even though you reside in Montana. Most states have their own telephone centers that will take care of these claims. Contact a Montana Claims Processing Center for assistance (phone numbers inside front cover) if you do not know where to call for another state's UI center.

Montana combined wage claim (CWC)

If you worked in more than one state, you can combine your wages from those states into a "combined wage" claim. The wages earned in all states are combined to give you the maximum amount of benefits possible. You will need the complete current address of all your employers in the last 18 months. You may receive a Monetary Determination that lists "Wages Pending". This means we have asked the other state(s) to transfer your wage information to Montana. A revised Monetary Determination will be sent to you when that information is received.

Unemployment Compensation for Federal Employees (UCFE)

If you worked for the federal government in the last 18 months, those wages may be used on your claim. The wage information is not in our computer system when you file initially. You may receive a Monetary Determination stating "Wages Pending" and receive a revised Monetary Determination when that information is received. Call the Claims Processing Center if you do not understand the determination or the wage information is not correct on the revised form.

Unemployment Compensation for Ex-Military Employees (UCX)

If you served in the Armed Forces in the past 18 months, for 90 or more consecutive days, you will be asked to submit a legible copy of your Military Discharge form DD214, Member 4, to get your military wages added to your claim. If you do not have that form, continue filing your biweekly claims for benefits and send in the DD214 Member 4 as soon as possible. You may receive a Monetary Determination that states "Wages

Pending". This means we are waiting to receive the DD214. A revised Monetary Determination will be sent to you when that document is received.

Disaster Unemployment Assistance (DUA)
Disaster Unemployment Assistance benefits may be available to eligible workers who are unemployed because of a disaster situation "declared" by the President of the United States. If you are eligible for any other 'regular' UI benefits, you must first use up those benefits before being eligible for DUA benefits.

Other Special Benefit Programs or Extensions
Sometimes special benefit programs or extensions of benefits are established by federal legislation. **You will be notified by mail if a special program is invoked that you may be eligible to apply for.** Generally, you must first exhaust or be ineligible for 'regular' UI benefits before being eligible for any special programs or extensions. Call the Claims Processing Center if you need information about special programs.

COMMONLY USED FORMS

At the beginning of your claim, and sometimes during the benefit year, you will be sent information or forms relating to your claim. It is your responsibility to complete, sign, and return forms as instructed within the time period specified on each form. **Answer all questions completely and correctly to the best of your knowledge. Failure to complete some forms and return them within the specified time period may delay payment and could result in your claim being denied.**

- **Cover Letter** This letter provides you with important information about your claim for UI benefits, including how to set your PIN number, the date to file your first biweekly claim, the phone number for the IVR system, and Internet filing instructions when that service becomes available.

- **Benefit Rights and Information (BRI)** The handbook you are reading contains information regarding many aspects of your claim, including instructions on filing your biweekly claim for benefits. You are responsible for reading and understanding the information in this handbook.

- **Work Search Classification and Claim Information (UI221)** This form must be completed, signed, and returned within 10 days of receiving it. It contains the following:

Your work search requirements
You are required by law to search for employment while receiving unemployment benefits, unless you are job attached or union attached (see page 36-37). If you indicate that you are job attached or union attached, we may verify this with your employer or union. If the information you provide is incorrect, it may result in a delay or loss of benefits. In addition, claims are randomly audited to verify the information.

Citizenship

If you are not a U.S. citizen, you must provide your alien registration number and mail us a photocopy of both sides of your Alien Registration card.

Certification of Understanding

Your signature confirms that you are applying for unemployment insurance benefits, and that you understand and will follow all the requirements while receiving benefits.

- **Monetary Determination (UI209)** Carefully review this form. It is a statement of wages that we have in our records for the time period indicated. Your Maximum Benefit Amount and Weekly Benefit Amount are based on the reported wages, so it needs to be accurate. If any of the information on the Monetary Determination is incorrect or incomplete, contact the Claims Processing Center. Corrections must be made within 10 days of receiving the form. See p. 5 for more information.
- **W-4V Voluntary Withholding Request** If you request that federal income tax be withheld from your benefit payments, you must sign and return the W-4V form. No taxes can be withheld until we receive the signed form. This option can be changed during your claim year by requesting a new W-4V form and returning the completed form.
- **Notice of Determination** This notice informs you that a determination has been made regarding your eligibility for benefits. See p. 8-9 for more information on issues and determinations.

EQUAL OPPORTUNITY

This agency is prohibited from discriminating on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Unemployment Insurance/Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any Unemployment Insurance/Title I financially assisted program or activity.

The agency must not discriminate in any of the following areas:

-Deciding on who will be admitted, or have access to, any Unemployment Insurance or WIA Title I financially assisted program or activity;

-Providing opportunities in, or treating any person with regard to, such a program or activity; or

-Making employment decisions in the administration of, or in connection with, such a program or activity.

UI/ADA Officer Department of Labor and Industry PO Box 8020 Helena MT 59604-8020	Phone: (406) 444-9036 TDD/TDY: (406) 444-0532

OR YOU MAY CONTACT THE CIVIL RIGHTS CENTER BY WRITING:
The Director, Civil Rights Center (CRC), US Department of Labor, 200 Constitution Ave NW Room N-4123, Washington DC 20210
If you file your complaint with the state, you must wait either until a Written Notice of Final Action is issued, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center.

If you do not receive a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for that Notice before filing a complaint with the CRC. However, you must file your CRC complaint with 30 days of the 90 day deadline (within 120 days after the day on which you filed your complaint with the recipient).

If you receive a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

PRIVACY OF INFORMATION

The Unemployment Insurance Program asks for your social security number by the authority of the Social Security Act (42 (U.S.C. 405c(2)C(i). You must provide your social security number to file an unemployment insurance claim. You must put your name and social security number on all forms you submit concerning your claim.

The Privacy Act of 1974 does not allow us to give information about your claim to anyone (including family members) other than yourself or your employer unless you give us written authorization to discuss your claim with another person.

We use your social security number to verify your identity, to process your claim, to check your eligibility, and for statistical purposes. Previous employers, and other state or local government agencies including the university system, may release to the Department of Labor any information, including your social security number, required for the proper administration of your claim. We also use your social security number to report the amount of unemployment insurance benefits you receive to the Internal Revenue Service as taxable income.

Montana law 39-51-603 permits the Department of Labor and Industry to share certain information with other public agencies to help them determine your eligibility for or amounts of benefits payable under their programs.

The following list of Workforce Service local offices is current as of the date of this booklet. If you experience problems in contacting any office, check the State Government pages of your local phone book, or check the website http://jsd.dli.state.mt.us/service/officelist.asp.

Billings
2121 Rosebud Drive, Stop B
Billings, MT 59102

Phone: 652-3080
Fax: 652-0444
Hotline: 655-0942
Email: BillingsJSC@state.mt.us

Bitterroot
333 W. Main Street
Hamilton, MT 59840

Phone : 363-1822
Fax: 363-1823
Hotline: 363-2726
Email: HamiltonJSC@state.mt.us

Bozeman
121 N. Wilson
Bozeman, MT 59715

Phone : 582-9200
Fax: 582-9210
Hotline: 582-9205
Email: BozemanJSC@state.mt.us

Livingston
220 East Park Street
PO Box 1199
Livingston, MT 59047

Phone : 222-0520
Fax: 222-1593
Hotline: 222-0533
Email: LivingstonJSC@state.mt.us

Butte
2201 White Blvd.
Butte, MT 59702

Phone : 494-0300
Fax: 494-5481
Hotline: 494-0338
Email: ButteJSC@state.mt.us

Anaconda
307 E. Park
Anaconda, MT 59711

Phone : 563-3444
Fax: 563-7827
Hotline: 563-7826
Email: AnacondaJS@state.mt.us

Dillon
730 North Montana
PO Box 1300
Dillon, MT 59725

Phone : 683-4259
Fax: 683-2903
Hotline: 683-4737
Email: DillonJSC@state.mt.us

Cut Bank
501 East Main
Cut Bank, MT 59427

Phone : 873-2191
Fax: 873-5393
Hotline: 873-4407
Email: CutBankJSC@state.mt.us

Shelby
1125 Oilfield Ave
Shelby, MT 59474

Phone : 434-5161
Fax: 434-2351
Hotline: 434-5045
Email: ShelbyJSC@state.mt.us

Flathead
427 First Avenue East
P.O. Box 1879
Kalispell, MT 59903-1879

Phone : 758-6200
Fax: 758-6290
Hotline: 758-6297
758-6224 TDD
Email: KalispellJSC@state.mt.us

Lake County
417-B Main
P.O. Box 970
Polson, MT 59860

Phone : 883-7880
Fax: 883-4564
Hotline: 883-3311
Email: PolsonJSC@state.mt.us

Kootenai
417 Mineral Ave. Suite 4
Libby, MT 59923

Phone : 293-6282
Fax: 293-5134
Hotline: 293-6282
Email: LibbyJSC@state.mt.us

Sanders County 2 Tradewinds Way/PO Box 669 Thompson Falls, MT 59873	Phone : 827-3472 Fax: 827-3327 Hotline: 827-4562 Email: ThompsonFallsJSC@state.mt.us
Glendive 211 S. Kendrick Glendive, MT 59330	Phone : 377-3314 Fax: 377-5831 Hotline: 377-5823 Email: GlendiveJSC@state.mt.us
Sidney 211 North Central Sidney, MT 59270	Phone : 433-1204 Fax: 433-7453 Hotline: 433-6665 Email: SidneyJSC@state.mt.us
Great Falls 1018 7th Street South Great Falls, MT 59405	Phone : 791-5800 Fax: 791-5889 Hotline: 453-5556 791-5882 TDD Email: GreatFallsJSC@state.mt.us
Havre 160 First Avenue Havre, MT 59501	Phone : 265-5847 Fax: 265-1386 Hotline: 265-1386 Email: HavreJSC@state.mt.us
Helena 715 Front Street P.O. Box 201505 Helena, MT 59620	Phone : 447-3200 Fax: 447-3224 Hotline: 447-3222 Email: HelenaJSC@state.mt.us
Lewistown 300 First Avenue North Lewistown, MT 59457	Phone : 538-8701 Fax: 538-7249 Hotline: 538-5263 Email: LewistownJSC@state.mt.us
Miles City 12 North 10th Street PO Box 1786 Miles City, MT 59301	Phone : 232-8340 Fax: 232-6270 Hotline: 232-6350 Email: MilesCityJSC@state.mt.us
Northeast Wolf Point 201 Main Street Wolf Point, MT 59201	Phone : 653-1720 Fax: 653-1196 Hotline: 653-1194 Email: WolfPointJSC@state.mt.us
Glasgow 74 4th Street North Glasgow, MT 59230	Phone : 228-9369 Fax: 228-8793 Hotline: 228-9523 Email: GlasgowJSC@state.mt.us
Missoula 539 S. Third Street W PO Box 5027 Missoula, MT 59806 DLI WSD Missoula 3rd Street	Phone : 728-7060 Fax: 721-7094 Hotline: N/A Email: MissoulaJSC@state.mt.us
2677 Palmer Street, Ste 222 Missoula, MT 59808 DLI WSD Missoula Palmer Street	Phone : 329-1275 Fax: 329-1295

RECORD KEEPING/BIWEEKLY CLAIMS

Keep a record of the biweekly claims you file. Each time you call the IVR system or file on www.UI4U.com, record the date, the week ending dates you claimed, and any hours worked and earnings reported. When you receive your payment, record the amount of the check and the date received. For easy reference, write your weekly benefit amount (WBA) and maximum benefit amount (MBA) below:

WBA $_____			MBA $_____		
Biweekly claim information				Check Information	
Date Filed	Week Ending Date	Earnings Reported	Employer Name	Amount of Check	Date Received

WORK SEARCH LOG

Keep a record of your job contacts. You may be asked to produce this record at any time up to 3 years after filing your claim.

EMPLOYER CONTACTS

Date	Employer Name, Address, & Phone #	How Contacted	Person Contacted	Work Sought	Results

Date	Employer Name, Address, & Phone #	How Contacted	Person Contacted	Work Sought	Results

GLOSSARY

Adjudication – The process of making a determination (decision) on an issue to see if benefits can be paid. Montana Unemployment Insurance laws and rules are used to make these decisions.
Appeal – You or your employer can appeal a redetermination if you believe it is contrary to the law or facts or if you have new information that could affect the decision. An appeal must be filed within 10 calendar days from the date of the Notice of Determination.
Base Period – The base period is the first four of the last five completed calendar quarters at the time you open your initial claim for benefits. Monetary eligibility is based upon how much you earned during this base period.
Benefit Offset – When a benefit overpayment has occurred, one method for you to repay the amount is to have it deducted or offset from future benefits.
Biweekly Claim – Montana pays benefits biweekly. This means you file for benefits for two weeks at a time. You do this via telephone, Internet, or by mail.
BWE – Benefit Week Ending – Each benefit week begins on Sunday and ends at midnight the following Saturday.
BYE – Benefit Year Ending – Your benefit year lasts 52 weeks. When one benefit year ends, you must start an entirely new claim.
Claim Effective Date – The date a benefit year starts, always a Sunday (same as BYB).
Claim End Date – The last day of your claim year (see BYE).
Claims Processing Center - Where you call to open, reopen, or receive assistance with your UI claim. Phone numbers are inside the front cover of this booklet.
CSR – Customer Service Representative – The person who will help you with your claim when you call the Claims Processing Center.
CWC – Combined Wage Claim – A claim using base period wages from two or more states to determine monetary eligibility for benefits.
Determination – A decision of benefit eligibility based on legislated eligibility criteria.
EB – Extended Benefits – A special program created by the federal government that becomes effective when certain levels of high unemployment occur and last for at least 13 weeks. It allows for benefits to be paid beyond the normal monetary and time limits.
Fact Finding – The process of gathering information (facts) about an act or circumstance that might affect eligibility for benefits.
Full-time Work – Work that generally consists of 40 hours or more per week.
Gross Misconduct – A criminal act, other than a violation of a motor vehicle traffic law, for which an individual has been convicted in a criminal court or to which the individual has admitted guilt. It also includes conduct that demonstrates a flagrant and wanton disregard of the rights, title or interest of a fellow employee or the employer. The penalty for gross misconduct is more severe than misconduct.
IB – Interstate Benefit Claim – A claim filed against a state other than the one in which the claimant is living.
Initial Claim – The first time you open a claim for unemployment insurance benefits, you are opening an initial claim and beginning a benefit year.
Issue (or Eligibility Issue) – Any act or circumstance that is potentially disqualifying.
IVR – Interactive Voice Response – An automated telephone system that you call every two weeks which asks you questions for each week and records your answers to stated questions. This is one way you file for your benefits. The IVR system provides other services also.

IWC – Term used to define a claim that doesn't have enough wages in the base period to be eligible. Also referred to as "monetarily ineligible."
Job Attached – If you have an agreement with your employer of returning to full-time work, with an anticipated date of return, or you have a job offer for full-time work with an anticipated start date, you might be job attached. The employer must agree that you are job attached.
Job Service – *see* Workforce Services
Maximum Benefit Amount (MBA) – The maximum amount of benefits you can potentially collect during your benefit year. It is based on the wages you earned in your base period.
Misconduct – Deliberate or careless disregard of your employer's or another employee's rights or interests. If it is shown that you were discharged for misconduct, it will disqualify you from receiving unemployment insurance benefits.
Monetary Eligibility – Your monetary eligibility is based on the wages you were paid in the base period of your claim.
Non-monetary Eligibility – Based upon legislated criteria relative to your reason for separation, availability for work, ability to work, etc., you are able to receive benefits as long as you are monetarily eligible.
Overpayment – This occurs when you receive more benefits than you are entitled to receive.
Partial Benefits – You may be eligible to receive a partial or lower amount of weekly benefits while you are working part-time.
PIN – Personal Identification Number – A four-digit number you select that, along with your Social Security Number, identifies you to the IVR and Internet systems when you claim your biweekly benefits.
Redetermination – You or your employer can request a redetermination if either of you believe a determination issued is contrary to the law or facts, or if you have new information that could affect the decision.
Register for Work – Individuals who are claiming benefits and are not job attached or union attached, as determined by our agency, are required to register at the Job Service office in their area for assistance and make regular contact with that Job Service office.
TAA – Trade Adjustment Assistance – A program designed to assist dislocated workers who have lost their jobs due to foreign imports. ATAA is a similar program designed to assist older workers who have lost their jobs due to foreign imports, or the relocation of their employment to other countries.
TRA – Trade Readjustment Allowance – Eligible workers may receive these benefits after their regular unemployment benefits have run out. Generally, to receive these benefits, individuals must be participating in a TAA approved training program.
Telephone Center – *see* Claims Processing Center.
UCFE – Unemployment Compensation for Federal Employees**.**
UCX – Unemployment Compensation for Ex-Military Employees.
UI – Unemployment Insurance.

Union Attached – An active union member who gets work through the union hiring hall and is on the out of work list. If you are union attached, you must be available for work through your union hall.

www.UI4U.com – The website for filing your claim or filing for biweekly benefits on the Internet. Other services are also available on-line at this site.

Waiting Week – The first eligible week you claim for benefits. You will not be paid for this week, but you must claim for the week in order to receive credit for it as your waiting week.

WBA – Weekly Benefit Amount – The maximum amount you may be eligible to receive for one week if you don't have any reported earnings that week.

Work Search – You are required to make at least one work search contact per week while claiming benefits and to keep a written record of the contacts, unless you are job attached or union attached.

Workforce Services – Also known as Job Service. Montana has 23 locations across the state where you may register for work and receive other services that will assist you in becoming reemployed. See list on p. 30-31.

notes

notes

Who Do I Call?

Call the Claims Processing Center to:

- Ask questions about unemployment benefits or your claim
- Open an initial UI claim
- Reopen your UI claim
- Obtain assistance with IVR problems
- File a request for redetermination
- File an appeal

Call the Interactive Voice Response (IVR) System to:

- File your biweekly claim (page 13)
- Inquire about your benefit check (page 22)
- Inquire about IRS form 1099-G information (page 23)
- Inquire about the schedule for an appeal hearing (page 10)
- Find out how much you must earn after a disqualification to requalify for benefits

Use the UI website www.UI4U.com to:

- File an initial UI claim
- Reopen your UI claim
- By spring 2005, you will be able to file for biweekly benefits on-line

TELEPHONE NUMBERS ARE INSIDE FRONT COVER